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20 ACCEPTANCE CASUALTY INSURANCE COMPANY

21 **UNITED STATES DISTRICT COURT**

22 **EASTERN DISTRICT OF CALIFORNIA**

23 ACCEPTANCE CASUALTY INSURANCE  
24 COMPANY, A NEBRASKA  
25 CORPORATION,

PLAINTIFF,

v.

26 FIREBAUGH TIRE, LLC, a California  
27 company and as successor-in-interest to the  
general partnership FIREBAUGH TIRE;  
CESAR MARIN dba FIREBAUGH TIRE, an  
individual; LEO MARIN dba FIREBAUGH  
TIRE, an individual; MARIA GUTIERREZ,  
individually and as successor-in-interest to  
Omar Gutierrez, deceased; VICTOR  
ARREAOLA, an individual and DOES 1-50,  
inclusive,

Defendant.

Case No. 1:23-cv-00275-NODJ-SKO

**STIPULATION EXTENDING  
DEFENDANTS FIREBAUGH TIRE,  
LLC, LEO MARIN, AND CESAR  
MARIN DEADLINE TO RESPOND TO  
PLAINTIFF'S COMPLAINT**

**(Doc. 26)**

1 Tire, LLC, Leo Marin and Cesar Marin (“Defendants”) (collectively “the Parties”), through their  
2 counsel of record stipulate as follows:

3 **RECITALS**

4 1. Plaintiff filed the Complaint initiating this action on November 06, 2023.

5 2. Defendants executed a Waiver of Service of Summons on January 18, 2024. As a  
6 result deadline to respond to the Complaint was February 20, 2024, pursuant to Rule 12 of the FRCP.

7 3. Defendants have asked for additional time to respond to the Complaint. Plaintiff is  
8 agreeable to the extension.

9 4. This is the Parties' first request for an extension of the foregoing deadline. The  
10 extension will not affect any other scheduled deadlines. The Parties do not anticipate the need for a  
11 further extension.

12 **STIPULATION**

13 The Parties hereby stipulate that Firebaugh Tire, LLC, Leo Marin and Cesar Marin's  
14 deadline to file a responsive pleading to Plaintiff's Complaint is extended from February 20, 2024,  
15 to March 11, 2024.

16  
17 Dated: February 27, 2024

GALLAGHER KRICH, APC  
By: /s/ Troy Krich  
THOMAS F. GALLAGHER  
TROY B. KRICH  
Attorneys for Defendants  
FIREBAUGH TIRE, LLC, LEO MARIN, and  
CESAR MARIN

21  
22 Dated: February 27, 2024

HINSHAW & CULBERTSON LLP  
By: /s/ Robert Levy  
HINSHAW & CULBERTSON LLP  
ROBERT J. ROMERO  
ROBERT G. LEVY  
Attorneys for Plaintiff  
ACCEPTANCE CASUALTY INSURANCE  
COMPANY

## **SIGNATURE ATTESTATION**

I hereby attest that I have obtained the concurrence of Robert Levy, counsel for Plaintiff, for the filing of this stipulation.

/s/ Troy Krich \_\_\_\_\_

TROY B. KRICH

## **ORDER**

The Court having reviewed the foregoing Stipulation (Doc. 26), and good cause appearing,

IT IS HEREBY ORDERED that Defendants Firebaugh Tire, LLC, Leo Marin and Cesar Marin are granted an extension of time to file their Answer to Plaintiffs' Complaint, up to and including, March 11, 2024.

IT IS SO ORDERED.

Dated: **March 6, 2024**

*/s/ Sheila K. Oberto*

UNITED STATES MAGISTRATE JUDGE